

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CASE NO. 3:23-cv-566

SPINOSO REAL ESTATE GROUP, DLS,)
LLC, solely in the capacity as court appointed)
receiver pursuant to that certain Consent)
Judgment and Stipulated Order for)
Appointment of Receiver entered on May 21,)
2021 in the General Court of Justice, Superior)
Court Division, County of Mecklenburg, State)
of North Carolina, successor-in-interest to TM)
Northlake Mall, LP,)

Plaintiff,)

v.)

AE OUTFITTERS RETAIL CO, and)
AMERICAN EAGLE OUTFITTERS, INC.,)

Defendants.)

**UNOPPOSED MOTION FOR
EXTENSION OF TIME TO FILE
RESPONSIVE PLEADING**

**PLAINTIFF'S UNOPPOSED MOTION FOR EXTENSION OF
TIME TO FILE RESPONSIVE PLEADING TO DEFENDANTS' COUNTERCLAIMS**

Plaintiff, SPINOSO REAL ESTATE GROUP, DLS, LLC, solely in the capacity as court appointed receiver pursuant to that certain Consent Judgment and Stipulated Order for Appointment of Receiver entered on May 21, 2021 in the General Court of Justice, Superior Court Division, County of Mecklenburg, State of North Carolina, successor-in-interest to TM Northlake Mall, LP (“**Plaintiff**”), for its Unopposed Motion for Extension of Time to File Responsive Pleading to Defendants’ Counterclaims, states as follows:

1. Defendants AE OUTFITTERS RETAIL CO, and AMERICAN EAGLE OUTFITTERS, INC. (“**Defendants**”) filed their Answer, Affirmative Defenses, and

Counterclaims against Plaintiff on September 12, 2023. Pursuant to Federal Rule of Civil Procedure 15, Plaintiff's response to the Amended Complaint is due on October 2, 2023.

2. Plaintiff respectfully requests a brief extension of time, up to and through Wednesday October 4, 2024, to file Plaintiff's responsive pleading to Defendants' Counterclaims.

3. This is Plaintiff's first request for an extension of time related to any filing this case.

4. Plaintiff makes this request for additional time in good faith and does not anticipate any additional requests to further extend this deadline.

5. Prior to filing, counsel for Plaintiff conferred with Defendants' counsel, who does not oppose Defendants' request for additional time.

WHEREFORE, Plaintiff respectfully requests this Court enter an order extending Plaintiff's deadline to file a responsive pleading to Defendants' Counterclaims up to and through October 4, 2023, and for such other and further relief as this Court deems just and proper under the circumstances.

Dated: October 2, 2023

Respectfully submitted,

SPINOSO REAL ESTATE GROUP, DLS, LLC,
SOLELY IN ITS CAPACITY AS COURT-
APPOINTED RECEIVER PURSUANT TO THAT
CERTAIN CONSENT ORDER APPOINTING
RECEIVER ENTERED ON MAY 21, 2021 IN THE
GENERAL COURT OF JUSTICE, SUPERIOR
COURT DIVISION, COUNTY OF
MECKLENBURG, STATE OF NORTH
CAROLINA, SUCCESSOR-IN-INTEREST TO TM
NORTHLAKE MALL, L.P.

By: /s/John B. Honeycutt, Jr.
One of its Attorneys
John B. Honeycutt, Jr.
NC State Bar #18682
Honeycutt Law Firm, PLLC
Post Office Box 2484
Cornelius, North Carolina 28031

Telephone: (704) 997-5950

- *and* -

David P. Vallas
Daniel J. Hoelting
Pro Hac Vice
Polsinelli PC
150 North Riverside Plaza, Suite 3000
Chicago, Illinois 60606
Telephone: (312) 873-3620